

FISCAL IMPACT OF PROPOSED LEGISLATION

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

**Measure: SB 421 – A
REVISED**

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: John Terpening
Reviewed by: Linda Ames, Steve Bender, Monica Brown
Date: 5-9-2013

Measure Description:

Authorizes district attorney to initiate commitment proceeding when person charged with certain crimes lacks capacity to stand trial and is dangerous and in need of commitment.

Government Unit(s) Affected:

Oregon Criminal Justice Commission, Cities, Counties, Department of Justice, District Attorneys and their Deputies, Judicial Department, Oregon Health Authority (OHA), Public Defense Services Commission, Psychiatric Security Review Board

Summary of Expenditure Impact:

Agency – Fund Type	2013-2015 Biennium	2015-2017 Biennium
Oregon Health Authority – General Fund	\$169,571	\$174,145
Agency – Fund Type	2013-2015 Biennium	2015-2017 Biennium
Psychiatric Security Review Board – General Fund	\$72,222	\$72,222

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

This fiscal impact statement has been revised based on additional information received by the Oregon Health Authority and Psychiatric Security Review Board.

The measure authorizes a district attorney to petition the court to initiate commitment proceedings if there is reason to believe a person is an extremely dangerous mentally ill person. The measure requires the court to conduct a hearing upon receipt of a petition and allows the court to order the person under the jurisdiction of the Psychiatric Security Review Board (PSRB) under certain circumstances. The measure stipulates that a person committed must be committed to a state hospital or secure intensive community inpatient facility and that PSRB must hold a hearing six months after the commitment and then every two years to determine the status of commitment. The measure also allows the state hospital or inpatient facility to request a commitment review hearing by PSRB. If a person discharged by PSRB has unadjudicated criminal charges at the time of commitment, PSRB must notify the district attorney who may request an evaluation to determine if person is fit for criminal proceeding.

The number of commitment proceedings that may be initiated is unknown. Based on Oregon State Hospital data, over the last three years there were 12 cases where a defendant was found “never able to aid and assist” after being charged with a serious crime, and was later readmitted as a civil commitment. The average length of stay of these commitments was 190 days. The cost for a patient at the Oregon State Hospital is approximately \$20,636 per month. The Oregon Health Authority (OHA) anticipates that these 12 cases would stay on average an additional 20 days in the Oregon State Hospital as they await PSRB hearings and discharge placement. The estimated cost to OHA for the additional length of stay is \$169,571 General Fund in 2013-15.

As stipulated by the measure, these 12 individuals would fall under the oversight of PSRB. The agency estimates an additional 12 hearing days per biennium and an additional 6 appeals per biennium based

on current appeal rates. PSRB does not anticipate the need for additional staff. The total estimated cost to PSRB for Board member hearing reimbursements, Attorney General Fees and other hearings costs is \$72,222 General Fund.

These cost estimates could vary depending on the actual number of cases. If the number of cases and facility capacity exceeds these estimates, the agencies affected may need to return to the Legislative Assembly for additional resources.

There is a minimal fiscal impact to the Judicial Department, Public Defense Services Commission, and District Attorney's and their Deputies as a result of this measure.